

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO.: _____
	:	
v.	:	DATE FILED: September 18, 2008
	:	
DONTE SANDERS	:	VIOLATIONS:
THEODORE SMITH	:	18 U.S.C. § 1951(a) (conspiracy to
THOMAS ROSE	:	interfere with interstate commerce by
	:	robbery - 1 count)
	:	18 U.S.C. § 1951(a) (interference with
	:	interstate commerce by robbery
	:	- 4 counts)
	:	18 U.S.C. § 924(c)(1) (using and carrying
	:	a firearm during a crime of violence
	:	- 1 counts)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times relevant to this indictment:

1. The Dunkin Donuts store located at 1325 East Washington Lane in Philadelphia, Pennsylvania, was engaged in interstate commerce.
2. On or about December 19, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**DONTE SANDERS,
THOMAS ROSE, and
THEODORE SMITH**

conspired and agreed together to commit robbery, which robbery would unlawfully obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, in that

defendants SANDERS, ROSE, and SMITH conspired to unlawfully take and obtain United States currency from Dunkin Donuts, in the presence of employees of the business and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, in violation of Title 18, United States Code, Section 1951(a).

MANNER AND MEANS

It was part of this conspiracy that defendants DONTE SANDERS, THOMAS ROSE, and THEODORE SMITH:

3. Planned to rob the Dunkin Donuts store located at 1325 East Washington Lane in Philadelphia;
4. Acquired guns for use during the robbery; and
5. Acquired a vehicle to escape once the robbery was complete.

OVERT ACTS

In furtherance of the conspiracy, in the Eastern District of Pennsylvania, defendants DONTE SANDERS, THOMAS ROSE, and THEODORE SMITH committed the following overt acts:

On or about December 19, 2007:

1. Defendants DONTE SANDERS, THOMAS ROSE, and THEODORE SMITH went together to the area around the Dunkin Donuts store located at 1325 East Washington Lane in Philadelphia.
2. Defendant DONTE SAUNDERS entered the store posing as a customer.

3. While pretending to make a purchase, defendant DONTE SAUNDERS pointed a gun at the store employees and demanded that they empty the money from the cash registers and put it in a backpack that he handed to them. .

4. Once the employees had followed his instructions and put the money from the cash registers into his backpack, defendant DONTE SANDERS left the store with the stolen money.

5. Defendant THEODORE SMITH acted as a lookout during the robbery.

6. In an effort to avoid detection and apprehension by the police, defendant DONTE SANDERS gave the backpack that he carried during the robbery, which contained the gun he used to commit the robbery and the money he stole, to defendant THEODORE SMITH.

7. Defendants DONTE SANDERS and THEODORE SMITH attempted to flee the area in a vehicle that they had acquired for that purpose.

All in violation of Title 18, United States Code, Section 1951(a).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1, and 3 through 5, and Overt Acts 1 through 7 of Count One of this indictment are incorporated here.

2. On or about December 19, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**DONTE SANDERS,
THOMAS ROSE, and
THEODORE SMITH**

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, by robbery, in that defendants SANDERS, ROSE, and SMITH unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, United States currency, from the employees of the Dunkin Donuts store located at 1325 East Washington Lane in Philadelphia, and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future to the employees of the Dunkin Donuts store, by pointing a firearm at, demanding money from, and otherwise threatening them.

All in violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES:

1. Paragraphs 1, and 3 through 5, and Overt Acts 1 through 7 of Count One of this superseding indictment are incorporated here.

2. On or about December 19, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**DONTE SANDERS,
THOMAS ROSE, and
THEODORE SMITH**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, a Smith and Wesson, Model Mini Firestorm, .40 caliber pistol, serial number 457291, loaded with 11 rounds and a Tanfoglio, Model BTA90, .9 mm pistol, serial number G16187, loaded with 11 rounds, during and in relation to a crime of violence for which they may be prosecuted in a Court of the United States, that is, conspiracy to interfere with commerce by robbery, and interference with commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES:

At all times relevant to this indictment:

1. The 7-Eleven convenience store located at 7720 Ogontz Avenue in Philadelphia, Pennsylvania was a business engaged in interstate commerce.

2. On or about June 13, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

DONTE SANDERS

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that, defendant SANDERS unlawfully took and obtained United States currency from employees of the 7-Eleven convenience store, located at 7720 Ogontz Avenue in Philadelphia and against their will, by means of actual and threatened force, violence, and fear of injury, immediate or future to the employees of the 7-Eleven convenience store, that is, by displaying what appeared to be a firearm, demanding money from, and threatening the employees of the 7-Eleven convenience store.

In violation of Title 18, United States Code, Section 1951(a).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES:

At all times relevant to this indictment:

1. Paragraph 1 of Count Four of this indictment is incorporated here.
2. On or about June 16, 2007, in Philadelphia, in the Eastern District of

Pennsylvania, defendant

DONTE SANDERS

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that, defendant SANDERS unlawfully took and obtained United States currency from the employees of the 7-Eleven convenience store located at 7220 Ogontz Avenue in Philadelphia, and against their will, by means of actual and threatened force, violence, and fear of injury, immediate or future to the employees of the 7-Eleven convenience store, that is, by displaying what appeared to be a firearm, demanding money from, and threatening the employees of the 7-Eleven convenience store.

In violation of Title 18, United States Code, Section 1951(a).

COUNT SIX

THE GRAND JURY FURTHER CHARGES:

At all times relevant to this indictment:

1. The Dunkin Donuts store located at 1630 Wadsworth Avenue in Philadelphia, Pennsylvania was a business engaged in interstate commerce.
2. On or about October 3, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

DONTE SANDERS

obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by robbery, in that, defendant SANDERS unlawfully took and obtained United States currency from the employees of the Dunkin Donuts store located at 1630 Wadsworth Avenue in Philadelphia, and against their will, by means of actual and threatened force, violence, and fear of injury, immediate or future to the employees of the Dunkin Donuts store, that is, by displaying what appeared to be a firearm, demanding money from, and threatening the employees of the Dunkin Donuts store.

In violation of Title 18, United States Code, Section 1951(a).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

_____ As a result of the violations of Title 18, United States Code, Section 924(c), set forth in this indictment, defendants

**DONTE SANDERS,
THOMAS ROSE, and
THEODORE SMITH**

shall forfeit to the United States of America the firearms and ammunition involved in the commission of these offenses, including, but not limited to:

- (a) Smith and Wesson, Model Mini Firestorm, .40 caliber pistol, serial number 457291;
- (b) a Tanfoglio, Model BTA90, .9 mm pistol, serial number G16187; and
- (c) all of the ammunition removed from the firearms described in Paragraphs (a) and (b) above;

All pursuant to Title 18, United States Code, Section 924(d).

_____ **A TRUE BILL:**

_____ **FOREPERSON**

**LAURIE MAGID
ACTING UNITED STATES ATTORNEY**